

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TENNESSEE

In re:

Krystal Lee Whaley Debtor/Plaintiff

711 Dolly Parton Parkway #4628
Sevierville, TN 37862

Debtor/Plaintiff

CASE # 3:23-bk-31483-SHB

WINCHESTER, SELLERS, FOSTER & STEELE, P.C., Creditor/Defendants

Gordon Foster, Foreclosure Trustee for Smart Bank

Creditor/Defendants

Suite:1000 First Horizon Plaza
800 South Gay Street
Knoxville, TN 37872

PLAINTIFF'S EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY
INJUNCTION

Plaintiff hereby moves the Court for a temporary restraining order forbidding the defendants from conducting the trustee's sale of the property located at 3455 Bent Road, Kodak, TN, titled in Public Records under Indian Gap Investments LP (Company.) The sale is currently scheduled for October 20th 2023. The defendants that are conducting the sale and have the ability to stop it are Smart Bank, the trustee for the investor/owner of the loan secured by the property & Winchester, Sellers, Foster, & Steele, P.C., the foreclosure trustee. I, Plaintiff/Debtor, Krystal Lee Whaley, am in fact a guarantor for the loan and a beneficiary of a trust that holds a business interest in the property.

FILED

OCT 18 2023

U.S. BANKRUPTCY COURT
Knoxville, Tennessee

PAY TO THE ORDER OF ANY FEDERAL
RESERVE BANK OR BRANCH OR
GENERAL DEPOSITORY FOR CREDIT
TO THE UNITED STATES TREASURY

If the defendants are allowed to conduct the sale of the property, they will cause immediate and irreparable injury to me, plaintiff/debtor, in the form of the loss of the asset securing a beneficial interest for me, plaintiff/debtor, and potentially, the loss of the rescission right they have been attempting to assert.

Real property is unique and money damages are not adequate to compensate parties for its loss when it is wrongfully conveyed to another.

I sincerely hope that the court can recognize the unique challenges posed by this situation and provide the injunctive relief requested to alleviate this burden and allow me to give my full attention to the bankruptcy proceedings.

See memorandum attached.

 10/18/23